

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,967	04/09/1999	ANDREW J. KRASLAVSKY	36J.P207	8073

5514 7590 09/28/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/288,967

Applicant(s)KRASLAVSKY, ANDREW J. **Examiner**

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-11 and 14-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 5, 7-11, 14-19 and 25 is/are rejected.
7) ☒ Claim(s) 3, 4, 20-24 and 26 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL ACTION

1. Claims 6, 12 and 13 have been canceled. Claims 1-5, 7-11 and 14-26 are presented for examination.
2. The text of those sections of Title 35, U.S. Code not included in this office action can be found in a prior office action.
3. Claims 1, 2, 5, 7, 8-11, 14-19 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 6,298,164 B1).
4. Suzuki was cited in the prior Office action dated 7/8/2002 (paper #8).
5. As to claim 1, Suzuki discloses the invention as claimed including a method for negotiating an exchange of image processing functionality between first (i.e., input device; 104, fig. 1) and second (i.e., output device; 115, fig. 1) devices over a bi-directional communication link (100, 110, 120, fig. 1) (col. 4, lines 1-22), comprising the steps of:

communicating a function description between the first and second devices (col. 1, lines 29-40), the function description including information concerning functionality available in the first or second devices (i.e., image information, such as the available formats, color capabilities, bit length, and image resolution; col. 1, lines 36-40);

negotiating between the first and second devices to assign image processing functionality to the first or second device in accordance with the functionality available in the first or second device (i.e., negotiating the best possible data type between the first and second devices or negotiating information exchange between them; col. 1, lines 13-20), wherein the assigned image processing functionality (i.e., JETSEND format or Printer Control Language (PCL) format) effects an image transfer between the first and second devices (col. 1, lines 5-10; col. 2, lines 20-24); and

transferring from one of the first and second devices to the other of the first and second devices, in accordance with the assignment of the image processing functionality (col. 2, lines 20-57; col. 6, lines 15-25 and 60-67; col. 7, lines 1-10), program code (31, 32, 34, 35, fig. 3; 41, 42, 44, 45, 46, 47, fig. 4; col. 5, lines 15-21; col. 6, lines 50-62) that implements functionality assigned to the other of the devices and needed by the other of the devices (col. 5, lines 22-40; col. 6, lines 15-25), wherein the program code is executed by the other of the devices (col. 6, lines 26-32 and 55-67; col. 7, lines 1-11).

6. As to claim 2, Suzuki further discloses functionality that has been exported from one device to the other (i.e., image are exported from the input device, i.e., scanner, 104, fig. 1, to output device, i.e., printer, 115, fig. 1; col. 1, lines 5-10; col. 2, lines 20-24).

7. As to claims 5 and 7, Suzuki further discloses obtaining function code

Art Unit: 2154

descriptions for functionality in a repository of image processing functionality (i.e., buffer, col. 2, lines 29-39 and 54-57; col. 4, lines 37-41; col. 7, lines 17-22), wherein negotiating in respect of the image processing functionality exported from the repository, and transferring functionality from the repository (col. 6, line 57 – col. 7, line 11; col. 10, lines 12-22).

8. As to claim 8, Suzuki discloses a network interface card (Network Interface Card, figs. 3 and 4) for interfacing between an image processing device (SCANNER, fig. 3; PRINTER, fig. 4) and a local area network (LAN, figs. 3 and 4) (col. 3, lines 54-67), said network interface card including:

a network protocol stack (IP protocol stack, IPX protocol stack, 32, 37, fig. 3; 48, 49, fig. 4; col. 5, lines 34-40; col. 6, lines 1-5) for interfacing between the local area network and the network interface card (col. 5, lines 30-33), and for receiving network communications directed to the image processing device (col. 5, line 63 – col. 6, line 1);

a device-specific application layer (35, fig. 3; 44, fig. 4) that provides device-specific image processing functionality for driving the image processing device (col. 5, lines 17-21 and 52-53), the device-specific application layer (35, fig. 3; 44, fig. 4) receiving network communications directed to the device from the protocol stack (IP protocol stack, IPX protocol stack, 32, 37, fig. 3; 48, 49, fig. 4) (col. 6, lines 6-12); and

a negotiation controller for negotiating an exchange of image processing functionality with another device on the local area network (i.e., negotiating the best possible data type between the first and second devices or negotiating information

exchange between them; col. 1, lines 13-20), the negotiation controller being programmed with process steps according to the method of any one of claims 1 to 5, 7, 20, 25 and 26.

9. As to claims 9 and 10, Suzuki discloses computer-executable process steps stored on a computer readable storage medium (16, fig. 2; col. 4, lines 37-39; col. 5, lines 9-11), the computer executable process steps for negotiating an exchange of image processing functionality between first and second devices (SCANNER, fig. 3; PRINTER, fig. 4) over a bi-directional communication link (LAN, figs. 3 and 4) (col. 3, lines 54-67), the computer executable process steps including steps according to any of claims 1 to 5, 7, 20, 25 and 26.

10. As to claims 11 and 14, they are rejected for the same reasons set forth in claim 1 above. In addition, Suzuki discloses a communicator (i.e., modem or network interface card (NIC); col. 3, lines 19-29) adapted to communicate a function description with an external device (col. 3, lines 54-67, the function description including information concerning functionality available in the image processing apparatus or the external device (i.e., image information, such as the available formats, color capabilities, bit length, image resolution or flipping the image data; col. 1, lines 36-40; col. 2, lines 53-57; col. 7, lines 60-67).

11. As to claims 15 and 17, Suzuki discloses image data transmitter (i.e., network

interface card, figs. 3 and 4) adapted to transmit image data to the external device based on the negotiated assignment of functionality (col. 6, lines 48-54).

12. As to claims 16 and 25, Suzuki discloses a receiver (i.e., network interface card, figs. 3 and 4) adapted to receive program code that implements image processing functionality from the external device based on the negotiated assignment of functionality (col. 5, lines 7-21 and 47-62).

13. As to claims 18 and 19, they are rejected for the same reasons set forth in claims 1, 11 and 14 above. In addition, Suzuki discloses a receiver (i.e., network interface card, figs. 3 and 4) adapted to receive program code that implements image processing functionality from the external device based on the negotiated assignment of functionality (col. 5, lines 7-21 and 47-62; col. 6, lines 15-32 and 48-54; col. 7, lines 60-67).

14. Claims 3, 4, 20-24 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Applicant's arguments filed 8/16/2004 have been fully considered but they are not persuasive.

Art Unit: 2154

16. In the remarks, applicants argued in substance that

(1) The applied art, namely Suzuki, is not seen to disclose at least the features of transferring program code from one of first and second devices to the other of the first and second devices, the program code is transferred in accordance with the assignment of the image processing functionality and implements functionality assigned to the other of the first and second devices, and the program code transferred to the other of the devices is executed by that device.

17. Examiner respectfully traverses applicant's remark.

As to point (1), applicants fail to consider the teaching of Suzuki that program code (i.e., JETSEND agent 46, fig. 4) is transferred (i.e., translate or conversion) in accordance with the assignment of the image processing functionality (i.e., JETSEND format or non JETSEND-enabled format or Printer Control Language (PCL) format) and implements functionality assigned to the other of the first and second devices (i.e., enabling conversion (transfer) of legacy devices (non JETSEND-enabled) into JETSEND enabled devices; col. 6, lines 21-25), and the program code transferred to the other of the devices is executed by that device (i.e., JETSEND agent, 46, fig. 4 operates to translate (transfer) JETSEND communications from a JETSEND-enabled input device into output device-specific format, and then to feed the output device-specific format to XP module, 47, fig. 4 for printout by the printer...it enables conversion (transfer) of legacy devices (meaning devices which are non JETSEND-enabled) into JETSEND enabled devices simply through the insertion of JETSEND interaction protocol 45, fig. 4

Art Unit: 2154

(program code) into existing software architecture; col. 6, lines 15-24; the buffer is transmitted with a PCL command (program code); col. 7, lines 3-6 and 19-22; means for transmitting image data in the buffer prefixed by a printer description language command (program code) that includes a byte count of the number of bytes in the transmission; col. 9, lines 46-49; computer-readable medium for storing computer executable program code, said computer-executable program code for converting (transfer) compressed image data into a compressed raster image...code to transmit image data in the buffer prefixed by a printer description language command that includes a byte count of the number of bytes in the transmission; col. 10, lines 30-59).

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the

Art Unit: 2154

examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jungwon Chang
September 22, 2004

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100